

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Jerel Wilkins, Najera Young, Danielle Goodwin, Zelinda Young and Zelinda Young o/b/o O.Y. (a minor),

Plaintiffs,

-vs.-

City of Paterson, Paterson Police Department, Officer Nigel Burrese, individually and in his official capacity, Police Officer M. Lucero, individually and in his official capacity, Paterson Police Officers John and Jane Does 1-10, individually and in their official capacity,

Defendants.

Civil Action No. 2:22-cv-03293-JXN-MAH

**DEFENDANT CITY OF PATERSON AND
PATERSON POLICE DEPARTMENT'S
ANSWER, AND SEPARATE DEFENSES
TO PLAINTIFFS' COMPLAINT**

Defendant, City of Paterson and Paterson Police Department (collectively "City" or "Defendant") by way of an Answer to the Complaint and Jury Demand (the "Complaint") filed by Plaintiffs Jerel Wilkins, Najera Young, Danielle Goodwin, Zelinda Young and Zelinda Young o/b/o O.Y. (a minor) (collectively "Plaintiffs") state:

NATURE OF THE ACTION

1. The allegations in paragraph 1 provide a description of the nature of the litigation and do not set forth factual allegations to which a response is required. To the extent any of the allegations in paragraph 1 are deemed factual in nature, Defendants deny any violation of Plaintiffs' state, statutory and/or civil rights and deny Plaintiffs are entitled to the relief sought in the Complaint.

JURISDICTION AND VENUE

2. The allegations in paragraph 2 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 2 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted and leave Plaintiffs to their proofs in this regard.

PARTIES

3. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 3.

4. The allegations in paragraph 4 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 4 are deemed factual in nature, Defendants admit that the City of Paterson is a New Jersey municipality but denies the assertion that the Paterson Police Department is a New Jersey municipality.

5. The allegations in paragraph 5 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 5 are deemed factual in nature, Defendants admit that the City of Paterson maintains the Paterson Police Department.

6. The allegations in paragraph 6 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 6 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted and leave Plaintiffs to their proofs in this regard.

7. The allegations in paragraph 7 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 7 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted and leave Plaintiffs to their proofs in this regard.

8. The allegations in paragraph 8 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 8 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted and leave Plaintiffs to their proofs in this regard.

9. The allegations in paragraph 9 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 9 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted and leave Plaintiffs to their proofs in this regard.

10. The allegations in paragraph 10 of the Complaint pertain to unidentified individuals and are not directed to answering Defendants. Therefore, no response is required. To the extent that a response is required, Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10.

11. The allegations in paragraph 11 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 11 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted and leave Plaintiffs to their proofs in this regard.

FACTS

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 12 of the Complaint and leave Plaintiffs to their proofs in this regard.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 13 of the Complaint and leave Plaintiffs to their proofs in this regard.

14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 14 of the Complaint and leave Plaintiffs to their proofs in this regard.

15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 15 of the Complaint and leave Plaintiffs to their proofs in this regard.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 16 of the Complaint and leave Plaintiffs to their proofs in this regard.

17. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 17 of the Complaint and leave Plaintiffs to their proofs in this regard.

18. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 18 of the Complaint and leave Plaintiffs to their proofs in this regard.

19. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 19 of the Complaint and leave Plaintiffs to their proofs in this regard.

20. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 20 of the Complaint and leave Plaintiffs to their proofs in this regard.

21. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 21 of the Complaint and leave Plaintiffs to their proofs in this regard.

22. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 22 of the Complaint and leave Plaintiffs to their proofs in this regard.

23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 23 of the Complaint and leave Plaintiffs to their proofs in this regard.

24. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 24 of the Complaint and leave Plaintiffs to their proofs in this regard.

25. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 25 of the Complaint and leave Plaintiffs to their proofs in this regard.

26. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 26 of the Complaint and leave Plaintiffs to their proofs in this regard.

27. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 27 of the Complaint and leave Plaintiffs to their proofs in this regard.

28. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT I

Unlawful Imprisonment/False Arrest/Unlawful Search and Seizure Pursuant to Federal and State Law (As to Wilkins Only)

29. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

30. Defendants deny the allegations in paragraph 30 of the Complaint.

31. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 31 of the Complaint and leave Plaintiffs to their proofs in this regard.

32. Defendants deny the allegations in paragraph 32 of the Complaint.

33. The allegations in paragraph 33 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 33 are deemed factual in nature, Defendants deny the allegations in paragraph 33 of the Complaint.

34. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT II

Excessive Force Pursuant to Federal and State Law (As to All Plaintiffs)

35. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

36. The allegations in paragraph 36 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 36 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 36 of the Complaint and leave Plaintiffs to their proofs in this regard.

37. Defendants deny the allegations in paragraph 37 of the Complaint.

38. Defendants deny the allegations in paragraph 38 of the Complaint.

39. Defendants deny the allegations in paragraph 39 of the Complaint.

40. Defendants deny the allegations in paragraph 40 of the Complaint.

41. The allegations in paragraph 41 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 41 are deemed factual in nature, Defendants deny the allegations in paragraph 41 of the Complaint.

42. Defendants deny the allegations in paragraph 42 of the Complaint.

43. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT III

Assault/Battery/Negligence

44. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

45. Defendants deny the allegations in paragraph 45 of the Complaint.

46. Defendants deny the allegations in paragraph 46 of the Complaint.

47. The allegations in paragraph 47 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 47 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 47 of the Complaint and leave Plaintiffs to their proofs in this regard.

48. The allegations in paragraph 48 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 48 are deemed factual in nature, Defendants deny the allegations in paragraph 48 of the Complaint.

49. Defendants deny the allegations in paragraph 49 of the Complaint.

50. Defendants deny the allegations in paragraph 50 of the Complaint.

51. The allegations in paragraph 51 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 51 are deemed factual in nature, Defendants deny the allegations in paragraph 51 of the Complaint.

52. Defendants deny the allegations in paragraph 52 of the Complaint.

53. Defendants deny the allegations in paragraph 53 of the Complaint.

COUNT IV

Violation of First Amendment and Retaliation State and Federal Law (As to Najeera Young, Danielle Goodwin, Zalinda Young and O.Y.)

54. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

55. Defendants deny the allegations in paragraph 55 of the Complaint.

56. Defendants deny the allegations in paragraph 56 of the Complaint.

57. Defendants deny the allegations in paragraph 57 of the Complaint.

58. Defendants deny the allegations in paragraph 58 of the Complaint.

59. Defendants deny the allegations in paragraph 59 of the Complaint.

COUNT V

Monell/NJCRA Liability/Municipal Liability

60. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

61. The allegations in paragraph 61 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 61 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 61 of the Complaint and leave Plaintiffs to their proofs in this regard.

62. Defendants deny the allegations in paragraph 62 of the Complaint.
63. Defendants deny the allegations in paragraph 63 of the Complaint.
64. Defendants deny the allegations in paragraph 64 of the Complaint.
65. Defendants deny the allegations in paragraph 65 of the Complaint.
66. Defendants deny the allegations in paragraph 66 of the Complaint.
67. Defendants deny the allegations in paragraph 67 of the Complaint.
68. Defendants deny the allegations in paragraph 68 of the Complaint.
69. Defendants deny the allegations in paragraph 69 of the Complaint.
70. Defendants deny the allegations in paragraph 70 of the Complaint.
71. Defendants deny the allegations in paragraph 71 of the Complaint.
72. Defendants deny the allegations in paragraph 72 of the Complaint.
73. Defendants deny the allegations in paragraph 73 of the Complaint.
74. Defendants deny the allegations in paragraph 74 of the Complaint.
75. Defendants deny the allegations in paragraph 75 of the Complaint.
76. Defendants deny the allegations in paragraph 76 of the Complaint.
77. Defendants deny the allegations in paragraph 77 of the Complaint.
78. Defendants deny the allegations in paragraph 78 of the Complaint.
79. Defendants deny the allegations in paragraph 79 of the Complaint.
80. Defendants deny the allegations in paragraph 80 of the Complaint.
81. Defendants deny the allegations in paragraph 81 of the Complaint.
82. Defendants deny the allegations in paragraph 82 of the Complaint.
83. Defendants deny the allegations in paragraph 83 of the Complaint.

84. The allegations in paragraph 84 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 84 are deemed factual in nature, Defendants states that the cited decision speaks for itself and any attempt to characterize the decision as supporting the allegations raised in paragraph 84 is denied.

85. Defendants deny the allegations in paragraph 85 of the Complaint.

86. Defendants deny the allegations in paragraph 86 of the Complaint.

87. Defendants lack knowledge or information sufficient to form a belief as to the truth and significance of the allegations asserted in paragraph 87 of the Complaint and leave Plaintiffs to their proofs in this regard.

88. Defendants deny the allegations in paragraph 88 of the Complaint.

89. Defendants lack knowledge or information sufficient to form a belief as to the truth and significance of the allegations asserted in the first sentence of paragraph 89 of the Complaint and leave Plaintiffs to their proofs in this regard. Defendants deny the allegations in the second and third sentences of paragraph 89 of the Complaint.

90. Defendants deny the allegations in paragraph 90 of the Complaint.

91. Defendants deny the allegations in paragraph 91 of the Complaint.

92. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in the first sentence of paragraph 92 of the Complaint and leave Plaintiffs to their proofs in this regard.

93. Defendants deny the allegations in paragraph 93 of the Complaint.

94. Defendants deny the allegations in paragraph 94 of the Complaint.

95. Defendants deny the allegations in paragraph 95 of the Complaint.

96. The allegations in paragraph 96 call for conclusions of law and are thus denied. Defendants further respond by stating that the allegations in paragraph 96 of the Complaint refer to a written document which speaks for itself and any attempt to characterize the content of the referenced document is improper and denied.

97. The allegations in the first sentence of paragraph 97 call for conclusions of law and are thus denied. Defendants further respond by stating that the allegations in the first sentence of paragraph 97 of the Complaint refer to a written document which speaks for itself and any attempt to characterize the content of the referenced document is improper and denied. Defendants deny the remaining allegations in paragraph 97 of the Complaint.

98. Defendants deny the allegations in paragraph 98 of the Complaint.

99. Defendants deny the allegations in paragraph 99 of the Complaint.

100. Defendants deny the allegations in paragraph 100 of the Complaint.

101. Defendants deny the allegations in paragraph 101 of the Complaint.

102. Defendants deny the allegations in paragraph 102 of the Complaint.

103. Defendants deny the allegations in paragraph 103 of the Complaint.

104. Defendants deny the allegations in paragraph 104 of the Complaint.

105. Defendants deny the allegations in paragraph 105 of the Complaint.

106. Defendants deny the allegations in paragraph 106 of the Complaint.

107. Defendants deny the allegations in paragraph 107 of the Complaint.

108. Defendants deny the allegations in paragraph 108 of the Complaint.

109. The allegations in paragraph 109 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 109 are deemed factual in nature, Defendants deny the allegations in paragraph 109 of the Complaint.

110. Defendants deny the allegations in paragraph 110 of the Complaint.

111. Defendants deny the allegations in paragraph 111 of the Complaint.

112. Defendants deny the allegations in paragraph 112 of the Complaint.

COUNT VI

Failure to Intervene Pursuant to Federal and State Law

113. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

114. The allegations in paragraph 114 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 114 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 114 of the Complaint and leave Plaintiffs to their proofs in this regard.

115. Defendants deny the allegations in paragraph 115 of the Complaint.

116. Defendants deny the allegations in paragraph 116 of the Complaint.

117. Defendants deny the allegations in paragraph 117 of the Complaint.

118. Defendants deny the allegations in paragraph 118 of the Complaint.

119. Defendants deny the allegations in paragraph 119 of the Complaint.

120. Defendants deny the allegations in paragraph 120 of the Complaint.

121. Defendants deny the allegations in paragraph 121 of the Complaint.

122. Defendants deny the allegations in paragraph 122 of the Complaint.

123. Defendants deny the allegations in paragraph 123 of the Complaint.

124. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT VII

Negligent and Intentional Infliction of Emotional Distress

125. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

126. Defendants deny the allegations in paragraph 126 of the Complaint.

127. Defendants deny the allegations in paragraph 127 of the Complaint.

128. The allegations in paragraph 128 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 128 are deemed factual in nature, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations asserted in paragraph 128 of the Complaint and leave Plaintiffs to their proofs in this regard.

129. Defendants deny the allegations in paragraph 129 of the Complaint.

130. Defendants deny the allegations in paragraph 130 of the Complaint.

131. Defendants deny the allegations in paragraph 131 of the Complaint.

132. Defendants deny the allegations in paragraph 132 of the Complaint.

133. Defendants deny the allegations in paragraph 133 of the Complaint.

134. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT VIII

Negligent Hiring, Supervision, Retention and Respondeat Superior

135. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

136. Defendants deny the allegations in paragraph 136 of the Complaint.

137. Defendants deny the allegations in paragraph 137 of the Complaint.

138. Defendants deny the allegations in paragraph 138 of the Complaint.

139. Defendants deny the allegations in paragraph 139 of the Complaint.

140. Defendants deny the allegations in paragraph 140 of the Complaint.

141. Defendants deny the allegations in paragraph 141 of the Complaint.

142. The allegations in paragraph 142 call for conclusions of law and are thus denied.

To the extent any of the allegations in paragraph 142 are deemed factual in nature, Defendants deny the allegations in paragraph 142 of the Complaint.

143. The allegations in paragraph 143 call for conclusions of law and are thus denied.

To the extent any of the allegations in paragraph 143 are deemed factual in nature, Defendants deny the allegations in paragraph 143 of the Complaint.

144. The allegations in paragraph 144 call for conclusions of law and are thus denied.

To the extent any of the allegations in paragraph 144 are deemed factual in nature, Defendants deny the allegations in paragraph 144 of the Complaint.

145. Defendants deny the allegations in paragraph 145 of the Complaint.

146. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT IX

Negligent Training Supervision

147. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

148. Defendants deny the allegations in paragraph 148 of the Complaint.

149. Defendants deny the allegations in paragraph 149 of the Complaint.

150. The allegations in paragraph 150 call for conclusions of law and are thus denied. To the extent any of the allegations in paragraph 150 are deemed factual in nature, Defendants deny the allegations in paragraph 150 of the Complaint.

151. Defendants deny the allegations in paragraph 151 of the Complaint.

152. Defendants deny the allegations in paragraph 152 of the Complaint.

153. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

COUNT X

Conspiracy

154. Defendants repeat and reallege their responses to the preceding paragraphs as if set forth more fully herein.

155. Defendants deny the allegations in paragraph 155 of the Complaint.

156. Defendants deny the allegations in paragraph 156 of the Complaint.

157. Defendants deny the allegations in paragraph 157 of the Complaint.

158. Defendants deny the allegations in paragraph 158 of the Complaint.

159. Defendants deny the allegations in paragraph 159 of the Complaint.

160. Defendants deny that Plaintiffs are entitled to a judgment in their favor and deny their entitlement to damages, including compensatory and punitive damages and attorney's fees.

WHEREFORE, Defendants demand that the Complaint be dismissed in its entirety and that attorneys' fees, costs of suit, and such further relief as the Court deems appropriate be awarded to Defendants.

SEPARATE DEFENSES

Without admitting that it carries the burden of proof or production as to any of the issues listed below, Defendants assert the following defenses.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE

Plaintiffs have failed to exhaust all administrative remedies which failure operates as a bar to the within action.

FOURTH DEFENSE

Defendants deny they were guilty of any negligence which was the proximate or producing cause of any injuries or damages alleged to have been sustained by Plaintiffs.

FIFTH DEFENSE

Any and all injuries and damages that may have been sustained by Plaintiffs were caused solely by the negligence of persons not under the control of Defendants.

SIXTH DEFENSE

Any and all injuries and damages that may have been sustained by Plaintiffs were caused solely by the negligence of persons presently unknown to Defendants.

SEVENTH DEFENSE

Any and all injuries and damages that may have been sustained by Plaintiffs were caused by the negligence of Plaintiffs.

EIGHTH DEFENSE

The intentional, unlawful or criminal conduct of the Plaintiff is the direct and proximate cause of Plaintiff's injuries and damages, if any.

NINTH DEFENSE

All of the acts of Defendants, and each of them, were performed in good faith and therefore Defendants, and each of them, are entitled to qualified immunity.

TENTH DEFENSE

The Defendants have no custom, plan or practice to violate the rights of its citizens and therefore the Complaint should be dismissed.

ELEVENTH DEFENSE

Defendants did not act with a deliberate indifference to the rights of Plaintiff and therefore the within cause of action should be dismissed

TWELFTH DEFENSE

All of the acts of the Defendant were performed in good faith, were based on probable cause and were in compliance with the Rules and Regulations and General Orders of the Paterson Police Department and therefore all claims that the Defendant Officers are liable in their individual capacities and responsible for punitive damages should be dismissed.

THIRTEENTH DEFENSE

There may be a lack of jurisdiction over the parties and/or claims and Defendants reserve the right to move for a dismissal.

FOURTEENTH DEFENSE

Plaintiffs' claims are barred by the doctrines of waiver, estoppel and laches.

FIFTEENTH DEFENSE

Plaintiffs' claims are barred by the doctrine of unclean hands.

SIXTEENTH DEFENSE

This action has been commenced by Plaintiffs in bad faith, with the intent to harass the Defendants and cause Defendants great sums of money to defend this cause of action, and therefore Defendants will seek reimbursement of their attorney's fees and costs pursuant to 42 U.S.C. Section 1988 and N.J.S.A. 2A:15-59.1.

SEVENTEENTH DEFENSE

Defendants have trained police officers employed by the City of Paterson in accordance with the New Jersey State Training Commission, the Attorney General Guidelines, and the Rules and Regulations of the Paterson Police Department, and, therefore, any claims of Plaintiffs alleging improper training should be dismissed.

EIGHTEENTH DEFENSE

Defendants deny the allegations of improper conduct as set forth in Plaintiffs' Complaint and the alleged misconduct does not rise to the level of a constitutional violation.

NINETEENTH DEFENSE

Plaintiffs are not entitled to punitive damages in this action.

TWENTIETH DEFENSE

Plaintiffs' claims are frivolous, subject to *N.J.S.A. 2A:15-59.1 et. seq.* and *R. 1:4-8*.

TWENTY-FIRST DEFENSE

Plaintiffs have failed to comply with the notice provisions of the New Jersey Tort Claims Act, *N.J.S.A. 59:8-1 et. seq.*

TWENTY-THIRD DEFENSE

Plaintiffs' claims are barred by the applicable provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, *et. seq.*

TWENTY-FOURTH DEFENSE

The Defendants deny the Plaintiffs have suffered any loss or damage but in the event any loss or damage was sustained by Plaintiffs, it was de minimis, remote, speculative and not cognizable by law.

TWENTY-FIFTH DEFENSE

The Defendants' conduct did not deprive Plaintiff of rights, privileges or immunities secured by the Constitutions and Laws of the United States of America and the State of New Jersey.

TWENTY-SIXTH DEFENSE

Plaintiffs' procedural due process rights have been satisfied and therefore Plaintiffs' action should be dismissed.

TWENTY-SEVENTH DEFENSE

Defendants are not responsible for the criminal acts of third persons.

TWENTY-EIGHT DEFENSE

Any and all injuries and damages sustained by the plaintiffs were directly and proximately caused by the plaintiff himself in an effort to avoid lawful police activity.

TWNETY-NINTH DEFENSE

Some or all of Plaintiffs' claims are barred by the doctrines of qualified and absolute immunity.

THIRTIETH DEFENSE

The Plaintiff's arrest was based on probable cause and was therefore lawful and Plaintiff's allegations of false arrest, false imprisonment and malicious prosecution should be dismissed.

THIRTY-FIRST DEFENSE

Defendants incorporate by reference each and every defense of every co-defendant, named or un-named, as if set forth at length herein.

THIRTY-SECOND DEFENSE

Defendants reserve the right to amend this Answer to assert additional defenses upon completion of further investigation and discovery.

WHEREFORE, Defendants demand that the Complaint be dismissed in its entirety and that attorneys' fees, costs of suit, and such further relief as the Court deems appropriate be awarded to Defendants.

CROSS CLAIM FOR CONTRIBUTION AND INDEMNIFICATION

Defendants, while denying any and all negligence, breach of warranty and/or strict liability in tort, nevertheless demands contribution and indemnity under the Joint Tortfeasor's Contribution Law, N.J.S.A. 2A:53A-1, et seq. in the amount of any judgment entered against it in favor of Plaintiffs against all of its co-defendants.

ANSWER TO CROSS CLAIM

Defendants, by way of answer to any and all Cross claims filed or to be filed against it, says:

Defendants deny each and every allegation contained in any and all Cross claims filed or to be filed against and leaves the co-defendants/cross-claimants to their proofs.

CERTIFICATION PURSUANT TO L.Civ.R. 11.2

The undersigned certifies on behalf of the above named that, upon information and belief, this matter in controversy is not the subject of any other action pending in any other court, nor is this matter in controversy the subject of any pending arbitration or administrative proceeding.

GORDON & REES LLP

By: /s/ Keith J. Murphy
KEITH J. MURPHY

By: /s/ Izik Gutkin
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Dated: July 11, 2022